



Practitioner's Docket No. 1062/E13

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dean Kamen et al.

Application No.: 10/803,049

Group No.: 3742

Filed: 03/16/2004

Examiner: Fastovsky, L.

For: Cassette and Method for Drug Preparation and Delivery

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))**

**Identification of Person(s) Making This Disclaimer**

I, attorney for DEKA Products Limited Partnership, represent that I am the attorney of record.

**IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT**

The assignee is

DEKA Products Limited Partnership  
340 Commercial Street  
Manchester, NH 03101-1108

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

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I hereby certify that, on the date shown below, this correspondence is being:

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**37 C.F.R. § 1.10\***

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**TRANSMISSION**

facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

  
Signature

Date: March 29, 2005

Elizabeth P. Morano

*(type or print name of person certifying)*

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## **EXTENT OF DISCLAIMANT'S INTEREST**

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

## **RECORDAL OF ASSIGNMENT IN PTO**

The assignment was recorded in the parent application on March 20, 1998 at Reel 8915, Frame 0432.

### **DISCLAIMER (Obviousness-Type Double Patenting Rejection Over A Prior Patent)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,464,667 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No. 6,464,667, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

### **DISCLAIMER FEE (37 C.F.R. § 1.20(d))**

Other than a small entity--fee \$130.00.

### **FEE PAYMENT**

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 19-4972.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Date: March 29, 2005



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